In the Claims:

Claims **1 to 24** (canceled).

25. (currently amended) A nonaqueous electrolyte secondary battery ~~characterized as using~~ comprising a mixture of a first oxide and a second oxide for it's a positive electrode material of said battery,

wherein said first oxide ~~being~~ is a spinel lithium-manganese complex oxide ~~consisting~~ that consists substantially of lithium, manganese, a metal other than manganese, and oxygen and that is represented by the compositional formula $Li_xMn_{2-y}M1_yO_{4+z}$ where M1 is at least one of Al and Mg, $0 \leq x \leq 1.2$, $0 < y \leq 0.1$ and $-0.2 \leq z \leq 0.2$, and

wherein said second oxide ~~being~~ is represented by the compositional formula $Li_aM2_bNi_cCo_dO_2$ ~~(where~~ where M2 is at least one element selected from the group consisting of Al, Mn, Mg and Ti, $0 < a < 1.3$, $0.02 \leq b \leq 0.3$, $0.02 \leq d/(c + d) \leq 0.9$ and $b + c + d = 1$. ~~1).~~

26. (currently amended) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that said first oxide is an oxide derived via substitution of an other element for a part of manganese in [[a]] said spinel lithium-manganese complex oxide.

Claims **27** and **28** (canceled).

29. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that M2 in the second oxide's compositional formula $Li_aM2_bNi_cCo_dO_2$ is Mn.

30. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 29, characterized in that $0.1 \leq d/(c + d) \leq 0.5$ is satisfied in the second oxide's compositional formula $Li_aM2_bNi_cCo_dO_2$.

31. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that said first and second oxides are mixed in the ratio by weight of 20:80 - 80:20.

32. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that said first oxide has a mean particle diameter of 5 - 30 μm.

33. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 25, characterized in that said second oxide has a mean particle diameter of 3 - 15 μm.

34. (currently amended) A nonaqueous electrolyte secondary battery ~~characterized as using~~ comprising a mixture of a first oxide, a second oxide and a third oxide for it's a positive electrode material of said battery,

wherein said first oxide ~~being~~ is a spinel oxide consisting substantially of lithium, manganese, a metal other than manganese, and oxygen,

wherein said second oxide ~~being~~ is different from ~~the~~ said first oxide and ~~consisting~~ consists substantially of lithium, nickel, cobalt, a metal other than nickel and cobalt, and oxygen, ~~and~~

wherein said third oxide ~~being~~ is different from ~~the~~ said first and second oxides and ~~consisting~~ consists substantially of lithium, cobalt and oxygen or of lithium, cobalt, a metal other than cobalt, and ~~oxygen.~~ oxygen, and

wherein said third oxide has a mean particle diameter of 3 - 15 μm.

35. (currently amended) The nonaqueous electrolyte secondary battery as recited in claim 34, characterized in that said first oxide is an oxide derived via substitution of an other element for a part of manganese in a lithium-manganese complex oxide, said second oxide is an oxide derived via substitution of cobalt and an other element for a part of nickel in a lithium-nickel complex oxide, and said third oxide is a lithium-cobalt complex oxide or an oxide derived via substitution of an other element for a part of cobalt in said lithium-cobalt complex oxide.

36. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 34, characterized in that said first oxide is a lithium-manganese complex oxide represented by the compositional formula $Li_xMn_{2-y}M1_yO_{4+z}$ (where M1 is at least one element selected from the group consisting of Al, Co, Ni, Mg and Fe, $0 \leq x \leq 1.2$, $0 < y \leq 0.1$ and $-0.2 \leq z \leq 0.2$).

37. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 34, characterized in that said second oxide is represented by the compositional formula $Li_aM2_bNi_cCo_dO_2$ (where M2 is at least one element selected from the group consisting of Al, Mn, Mg and Ti, $0 < a < 1.3$, $0.02 \leq b \leq 0.3$, $0.02 \leq d/(c + d) \leq 0.9$ and $b + c + d = 1$).

38. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 34, characterized in that said third oxide is represented by the compositional formula $Li_eM3_fCo_{1-f}O_2$ (where M3 is at least one element selected from the group consisting of Al, Mn, Mg and Ti, $0 < e < 1.3$ and $0 \leq f \leq 0.4$).

39. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 36, characterized in that M1 in the first oxide's compositional formula $Li_xMn_{2-y}M1_yO_{4+z}$ is at least one of Al and Mg.

40. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 37, characterized in that M2 in the second oxide's compositional formula $Li_aM2_bNi_cCo_dO_2$ is Mn.

41. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 40, characterized in that $0.1 \leq d/(c + d) \leq 0.5$ is satisfied in the second oxide's compositional formula $Li_aM2_bNi_cCo_dO_2$.

42. (currently amended) The nonaqueous electrolyte secondary battery as recited in claim 38, characterized in that M3 in said third ~~oxide is represented by the~~ oxide's compositional formula ~~$Li_eM3_fCo_{1-f}O_2$ (where M3~~ $Li_aM3_fCo_{1-f}O_2$ is at least one element selected from the group consisting of Mg and Ti, ~~$0 < e < 1.3$~~ and $0.02 \leq f \leq 0.2$. ~~0.2).~~

43. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 34, characterized in that said first, second and third oxides are mixed in the ratio by weight of (first oxide) to (second oxide + third oxide) = 20:80 - 80:20.

44. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 43, characterized in that said second and third oxides are mixed in the ratio by weight of (second oxide) to (third oxide) = 90:10 - 10:90.

45. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 34, characterized in that said first oxide has a mean particle diameter of 5 - 30 μm.

46. (previously presented) The nonaqueous electrolyte secondary battery as recited in claim 34, characterized in that said second oxide has a mean particle diameter of 3 - 15 μm.

Claim 47 (canceled).

48. (new) A nonaqueous electrolyte secondary battery comprising a mixture of a first oxide, a second oxide and a third oxide for a positive electrode material of said battery,

wherein said first oxide is a spinel oxide consisting substantially of lithium, manganese, a metal other than manganese, and oxygen,

wherein said second oxide is different from said first oxide and consists substantially of lithium, nickel, cobalt, a metal other than nickel and cobalt, and oxygen,

wherein said third oxide is different from said first and second oxides and consists substantially of lithium, cobalt, a metal other than cobalt, and oxygen, and

wherein said third oxide is represented by the compositional formula $Li_eM3_fCo_{1-f}O_2$ where M3 is at least one element selected from the group consisting of Mg and Ti, $0 < e < 1.3$ and $0.02 \leq f \leq 0.2$.

49. (new) A nonaqueous electrolyte secondary battery comprising a mixture of a first oxide, a second oxide and a third oxide for a positive electrode material of said battery,

wherein said first oxide is a spinel oxide consisting substantially of lithium, manganese, a metal other than manganese, and oxygen,

wherein said second oxide is different from said first oxide and consists substantially of lithium, nickel, cobalt, a metal other than nickel and cobalt, and oxygen,

wherein said third oxide is different from said first and second oxides and consists substantially of lithium, cobalt and oxygen or of lithium, cobalt, a metal other than cobalt, and oxygen, and

wherein said second oxide has a mean particle diameter of 3 - 15 μm.

[RESPONSE CONTINUES ON NEXT PAGE]